

**dpr** Introduction

- Two Purposes
  - WH&S - find the causes of pesticide episodes and find ways to avoid repeating it
  - Enforcement - Did a violation of laws or regulations occur?

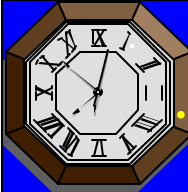
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**dpr** Changes

- Combined “Receiving the Episode” & “Investigating the Episode”
- Added legal authority
- Timely Submission of Investigations
- Public disclosure of records
- Interview questions

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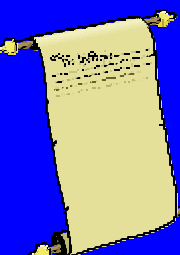
**dpr** General Comments



- If you hear of an illness do not wait for the PIR or DFR they may never turn up
- Timely investigations are best because incident is fresh in people’s minds

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**dpr** Authority to Investigate Pesticide Episodes



- FAC § 11456(b) Authority to enter
- 3CCR § 6140 Inspection Authority
- B&PC § § 8616.5 and 8616.7 CAC Structural Inspections and Investigations

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**dpr** Receiving the Episode Report

- Pesticide Illness Report (PIR)
- Doctor’s First Report (DFR)
- Citizen or employee complaints
- Other (agencies, employers, news media)

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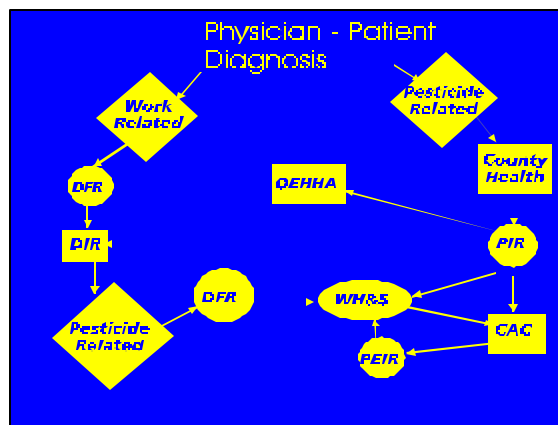
## dpr Reporting Requirements

- Health & Safety Code § 105200
  - Doctors report to local health officer - 24 hrs
  - Local health officer
    - Notify commissioner immediately
    - Notify DPR, DIR, OEHHA - 7 days
  - Pesticide poisoning treatment is not first aid

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## dpr The Next Step

- DPR screens PIRs and DFRs
- PIRs are assigned case numbers unless clearly not pesticide related
- DFRs are assigned case numbers when there is evidence of possible pesticide involvement

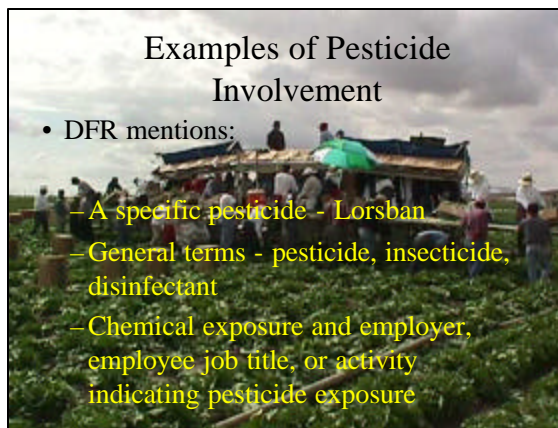
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## Examples of Pesticide Involvement

- DFR mentions:
  - A specific pesticide - Lorsban
  - General terms - pesticide, insecticide, disinfectant
  - Chemical exposure and employer, employee job title, or activity indicating pesticide exposure



## dpr Timely Submission of Episode Investigations

- 120 days
- Inadequate Investigative Reports
- Other information



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## dpr Timely Submission of Episode Investigations

- 120 days
  - Start date is WH&S computer log-in date
  - Stop date is date stamp from ENF Regional Office
  - Request for time extension - PR-ENF-097 to your Senior Pesticide Use Specialist

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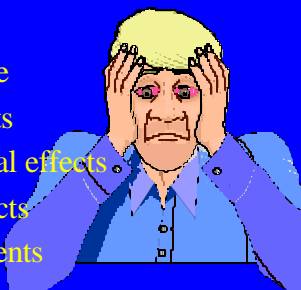
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## dpr Criteria Priority Investigation

- Type of episode
  - Human effects
  - Environmental effects
  - Property effects
  - Special incidents



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## dpr Criteria Priority Investigation

- Key phrases to apply to criteria:
  - Alleged to be pesticide related
  - Appears to meet effects criteria

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## dpr Human Effects Priority

- Death
- Hospitalization 24-hours with treatment
- 5 or more people have medically diagnosed symptoms



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## dpr Environmental Effects Priority

- Water -
  - Contamination of drinking water supply of 10 households.
- Air -
  - 25 people evacuated.
- Land -
  - \$50,000 clean-up costs.

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## dpr Environmental Effects Priority

- Birds -
  - 50 game or migratory birds
  - 500 other birds
- Fish -
  - 500 game fish
  - 5,000 other fish



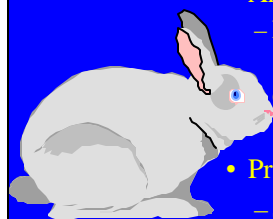
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## dpr Environmental Effects Priority

- Animals
  - Endangered Species -
    - 1 endangered vertebrate
  - Other Animals
    - 5 game or fur-bearers
- Property Damage or Loss -
  - \$50,000



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## dpr Special Incidents

- Those occurring in Mexico, other states, tribal lands
  - With effects in California
- Those occurring in California
  - With effects in Mexico, other states, tribal lands
- Aircraft accidents

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## dpr Jurisdiction

- CAL OSHA has jurisdiction over non-use related pesticide episodes
- CAL OSHA has jurisdiction over use-related episodes of 3 specific pesticides
- Other agencies (DFG, US EPA)

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## dpr Investigation Objectives

- Emphasis on exposure information
- Recreate the picture
- Burden of proof is on the investigator
- We prefer more, rather than less, detail
- Do not assume only one person was involved

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## dpr General Information Needed

- People interviewed
  - Injured party
  - Employer or supervisor
  - Eyewitnesses
  - Applicator

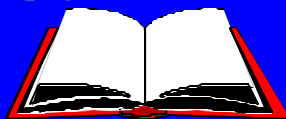
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## dpr Exercise 3

- How could you improve this report?
- Work book page 5



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## dpr Exercise 3 Answers

- This is an adequate report of an antimicrobial incident

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### dpr Specific Information

- Specific activity
- Prior or concurrent activities
- Product involved

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### dpr Specific Information - Product Involved

- List product even if not a pesticide
- Accurate EPA registration number
- Describe how it was used
- Was it properly used?
- Is it a Restricted Material?
- Pesticide Use History

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### dpr Specific Information - Product Label

- Only include pertinent label pages
- Obtain a delivered label (FAC § 12973)
- Obtain a DPR registered label (FAC § 12973)
- MSDS only if used as evidence

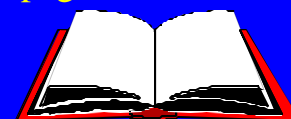
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### dpr Exercise 4

- How could you improve this report?
- Work book page 8



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### dpr Exercise 4 Answers

- “No compliance or enforcement action taken”
  - But, were there any violations?
- Was there an HQ inspection?
- Were training records checked?

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### dpr Specific Information - Exposure

- Describe what happened in detail
- Describe work activities and cultural practices which may impact exposure

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### dpr Specific Information - Training

- Attach training records for involved employees
- Evaluate employee's knowledge
- Evaluate the quality of the training
- Was the trainer certified?
- Were the field workers trained?

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### dpr Specific Information - Symptoms

- Ask each person
  - Symptoms - onset and duration
  - Time between exposure and symptoms
- Do not assume PIR or DFR are accurate

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### dpr Specific Information - Medical Care

- Check for medical supervision
- Was employee taken for medical treatment
- Time between symptoms and medical treatment

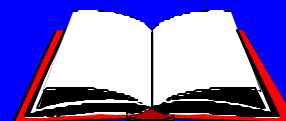
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### dpr Exercise 5

- How could you improve this report?
- Work book page 12



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### dpr Exercise 5 Answers

- Who was interviewed?
- Did the field worker enter the field?
- Need an application history (60 days), more than just the last application
- Complete a dermatitis form
- Complete HQ inspection form
- Was the field worker trained?
- Who took him to the doctor?

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### dpr Specific Information - Medical Records

- Get form signed at time of interview
- Medical records are required for priorities
- Non-priority episodes
  - Not required but sometimes provide critical information
  - Cholinesterase tests - baseline and post-exposure
- For help obtaining medical records call WH&S

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## dpr Specific Information

- Number of days disabled or hospitalized

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## dpr Specific Information

- Give specific details of:
  - Application method
  - Equipment used

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## dpr Specific Information - PPE

- What does label require?
- What do regulations require?
- What was provided?
- What did the employee wear?

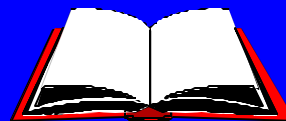
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## dpr Exercise 6

- How would you improve this report?
- Work book page 15



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## dpr Exercise 6 Answers

- Did the “Safety glasses” have brow protection? 3CCR § 6738 (b) (2) (A)
- Violation of 3CCR § 6726(c)  
Employer shall ensure employee is taken to a doctor.

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Specific  
Information

- Decontamination
- What is required?
- What was provided?



## dpr Specific Information - Others Involved

- Ask injured party

“Was anyone else exposed?”

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## dpr Specific Information Needed

- Violations
- Enforcement action taken

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## dpr Investigative Conclusions

- Acceptable
  - Were there any violations?
  - Causative agent is not a pesticide nor used as one
- Not acceptable
  - Conclusions or personal opinions based on medical evidence

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## dpr Field Worker Cluster Illnesses

- Don't assume there is only one worker affected
- Five or more workers affected (priority)
- Field sampling (CAC, ENF, WH&S)
- Interviews (Bilingual questionnaires)
- Use an episode specific questionnaire

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## dpr Employee Complaints

- Confidential
- Labor Code § 6309
- No advanced notice to employer
- Complaint triggers inspections
  - Field worker safety inspection
  - Application inspection
  - Records inspection

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## dpr Citizens Complaints

- Complaint form
  - Report of Loss, Nonperformance, or Damage PR-ENF-008
  - Complaint of Human Exposure or Unsafe Condition PR-ENF-074

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## Consumer Produce Complaints

- Report information to County Health Officer
- Collect produce sample
- Determine origin of produce

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## Suicide

- Do not interview attempted suicides
- Get information from other sources
  - Coroner, police, paramedics
  - Doctors

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## Agricultural Fatalities

- Protocol for Collection of Samples During Investigation of Agricultural Fatalities
  - WH&S Letter 94-5
  - Investigative Techniques Manual page 24
  - Give to the coroner
- Contact WH&S for assistance

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## Aircraft Mishaps

- Was pilot's judgement or ability affected by pesticide exposure?
- Get pilot's work history
- Get cholinesterase test results
- Determine the probable cause of the crash from interviews and reports

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## Illegal residues on crops

- Identify contaminated fields
- Collect samples
- Chain of custody
- Control affected source
- Prohibit harvest
- Consider prohibiting re-entry

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## Public Disclosure

- Commissioner contacts county counsel
- Governed by California Public Records Act
  - Medical Records
  - Personal identifiers
- Under investigation

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### dpr TOP TEN REASONS FOR LATE REPORTS

- 6. I didn't take this job to be a pesticide cop
- 7. It's permit season
- 8. Doctor's First Report indicates R/O pesticides
- 9. I already sent it up 3 times. I'll have to make you another copy
- 10. It's only been 119 days

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### dpr TOP TEN REASONS FOR LATE REPORTS

- 1. El Niño
- 2. Didn't think Roundup® was a pesticide
- 3. It's not an agricultural case
- 4. My Senior didn't tell me I had to do it
- 5. He's in Mexico

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